IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO. 2 OF 2006
IN
NOTICE OF MOTION NO. 3013 OF 2004
IN
APPEAL NO. 542 OF 2000
IN
NOTICE OF MOTION NO. 3831 OF 1999
IN
S.C.SUIT NO. 469 OF 1978

TIME FIELD CORPORATION & ORS. .....PETITIONERS
VS.
MAHENDRA K. MEHTA & ORS. .....RESPONDENTS.

Petitioner appearing in person present.
Mr. K.P. Anilkumar for Respondent No. 5,12,16 to 18.

CORAM : S.K.SHAH, J.
DATE : 3RD FEBRUARY, 2006

P.C.

1. There was Consent Decree based in S.C. Suit No. 469 of 1978. After the Consent Decree was passed, Notice of Motion No. 3831 of 1999 was taken out in the same suit by the Respondents praying for setting aside Consent Decree. That Notice of Motion was disposed of by the order dated 9th March, 2000. Against that order, Appeal No. 542 of 2000 was filed and in that appeal Notice of Motion No. 3013 of 2004 was taken out. In that Notice of Motion, the order was passed on 1st November, 2004, staying execution of Consent decree passed in S.C. Suit No. 469 of 1987 but subject to two conditions.

2. The first condition was directing the appellant the society, to deposit a sum of Rs. 10 lacs with the Prothonotary and Senior Master of this Court within four weeks from the date of this Order.

3. The second condition was that the appellant society should file an undertaking before the Court within four weeks that they will not transfer, alienate, dispose of or create any third party right or interest in the subject property.

4. The Appeal is still pending.

4. The Petitioners alleged that the Respondent-society has violated the condition No. 2 by making an application to the Superintendent of the Land Records for deleting the name of the Petitioners and restoring the name of the Society in respect of the suit land. The Petitioners say that this was in violation of the aforesaid condition.

5. The learned Counsel for the Respondent-Society submits that the Petitioners had wrongly got their name incorporated in the property card and therefore they had moved an application to the Superintendent of Land Records showing the aforesaid order passed in the Notice of Motion by the Appellate Court to restore their name. This is only correcting the name in the property and nothing more. The Petitioners are unable to show that the property has been transferred in any manner. It continues to be with the Society. Under the circumstances, there is no question of contempt.

6. The Contempt Petition is therefore dismissed.

[S.K. SHAH,J.]